

**REMARKS**

**SUMMARY OF OFFICE ACTION**

The foregoing amendment and remarks that follow are responsive to the Office Action mailed October 19, 2007. In that Office Action, the Examiner rejected Claims 1-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Furthermore, Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 7,117,162 to Seal et al. (referred to herein as the “Seal reference”) in view of U.S. Patent No. 7,035,809 to Miller et al. (referred to herein as the “Miller reference”) and further in view of U.S. Patent Publication No. 2002/0156904 to Gullotta et al. (referred to herein as the “Gullotta reference”).

**RESPONSE TO 35 USC § 112 REJECTION**

The Examiner rejected Claims 1-20 under 35 USC § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the previous version of Claims 1, 11, and 18 included the limitation of “wherein the unavailable personnel are available at the time of scheduling.” The Examiner indicated that it was unclear how the personnel that are available at the time of scheduling have a status of unavailable.

By this response, Applicant has amended Claims 1, 11, and 18 to remove the phrase “wherein the unavailable personnel are available at the time of scheduling.” The remaining language of the claims is believed to be sufficiently clear to indicate that alternate personnel are provided for unavailable personnel at any one of the first, second, third, fourth, or fifth levels.

In view of the foregoing, reconsideration of the rejection under 35 USC § 112 is respectfully requested.

**RESPONSE TO 35 USC § 103(a) REJECTION**

**No Disclosure of All of the Claim Limitations**

As set forth below, Applicant submits that the cited references do not teach or suggest all of the limitations recited in Amended Claims 1, 11, and 18.

No Teaching of an Administrator Providing Alternate Personnel

Claim 1 is believed to be allowable because there is no disclosure in the cited references of an Administrator who provides alternate personnel in response to personnel becoming unavailable after the time of scheduling.

In the Office Action, the Examiner cites the Seal and Gullotta references as disclosing an Administrator providing alternate personnel for any unavailable personnel, wherein the unavailable personnel are available at the time of scheduling. In particular, the Examiner points to column 14, lines 39-58 of the Seal reference, and paragraphs 124-126 of the Gullotta reference.

As understood, column 14, lines 39-58 of the Seal reference relates to a job management system including a scheduling application for grouping tasks into activities, sequencing the tasks, and prioritizing the tasks according to due dates and schedules. Resource groups and crew sizes are also determined and time increments are also assigned to the tasks. The cited portion of the Seal reference is not understood to refer to providing alternate personnel after the configuration process has already determined appropriate staffing. Indeed, the reference appears to indicate that where resources are not available for a particular critical path method (CPM) date, then the system moves the activity out of the schedule, until resources can be found. Col 14, Lines 34-36. This appears to indicate that scheduling application is not implemented in relation to activities for which appropriate staff is unavailable. However, Seal is silent with regard to assigning alternate crews and resources after the initial assignment. Therefore, if the initially assigned crews become unavailable for some reason (e.g., sickness, vacation, injury, working on another project, etc.), there is no mention of assigning alternate crews in response thereto.

The Examiner has further referenced paragraphs 124-126 of the Gullotta reference in relation to providing alternate personnel for any unavailable personnel. However, as understood, the referenced paragraphs refer to changes in the provisioning of equipment to staff, where a staff member's roles or attributes should change. That concept is illustrated in the tables provided after paragraphs 0119 and 0121.

As described in the tables, where a staff member has a specified position, and his or her travel time changes, then the provisioning of the staff member, or data access allowed to such staff member, changes accordingly, e.g. the staff member is provided with a pager, cellular telephone, or access to a sales figures database. The reference is not understood to disclose or suggest an assignment of alternate staff in response to changes in availability of pre-assigned

staff.

Accordingly, the cited references are not believed to disclose or suggest a method of processing work requests as set forth in Claim 1, including administrator providing alternate personnel for any unavailable personnel at any one of the first, second, third, fourth or fifth levels.

Applicant respectfully submits that neither the Seal nor Gullotta references, taken alone or in proper combination, disclose the limitation of an Administrator providing alternate personnel in response to personnel becoming unavailable, as recited in Amended Claims 1, 11, and 18. In particular, the Seal reference discloses an initial assignment of crews and resources for a particular project depending on the requirements for the project.

Consequently, the combination of Seal and Gullotta does not produce a method wherein an Administrator provides alternate personnel in response to personnel becoming unavailable after a time of scheduling. As such, Applicant respectfully submits that all of the claimed limitations are not disclosed by the cited references and that Claims 1, 11, and 18 are believed to be patentable. Furthermore, Claims 2-10, 12-17, and 19-20 are also believed to be allowable as being dependent on allowable base claims.

No Teaching of an Originator Creating a Work Request

If the Examiner is of the opinion that the Administrator assigning personnel in response to previously assigned personnel becoming unavailable is not a novel aspect of the present invention, Applicant additionally submits that the cited reference does not teach or suggest an Originator creating a Work Request as recited in amended Claims 1, 11, 18.

On page 3 of the Office Action, the Examiner claims that Seal explicitly teaches an unsolicited work request submitted by an Originator to a first level, wherein the first level is a decision-making body independent of the Originator. In particular, the Examiner cites to column 10, lines 16-34 and column 12, lines 10-47 of the Seal reference. The Examiner summarizes the teaching in Seal as follows:

A work request is created using the job entry application. The request is submitted for review to the contractors for them to bid. Contractors in turn submit bids responses to be awarded the work requests. The work request is submitted by the Originator and work is solicited from the bidders. Thus, the work request is not solicited by the first level.

Applicant submits that Seal does not disclose an unsolicited work request being submitted to a decision-making body. In the present application, the Originator creates the work

request and transmits it to the first level for approval. In this regard, the Originator initiates the request, and the first level approves this request. The first level does not solicit the request.

In contrast, the Seal reference discloses a method whereby the entity making the approval or selection solicits the work request. As understood, a company enters job details (e.g., work tasks, materials, time for completion, etc.) into a job entry application. The job entry application is submitted to contactors for them to bid. The contractors review the job entry application and submit a bid which is reviewed by the company. The contract is awarded to the contractor that submitted the most appealing bid. Therefore, the company solicits bids from the contractors; the contractors submit a bid (the work request), and the company decides on which bid to select. In sum, in the Seal reference the decision-making body solicits and approves bids (work requests). In the present invention the decision-making body approves bids but does not solicit them.

As such, Applicant submits that the cited references do not disclose all of the limitations of Claims 1, 11, and 18. Consequently, Applicant believes Claims 1, 11, and 18 are allowable, as are Claims 2-10, 12-17, and 19-20 as being dependent from allowable base claims.

### **CONCLUSION**

In view of the foregoing, the application is believed to be in condition for allowance. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: Nov 9, 2008 By:

Customer No.: 007663



Bruce B. Brunda  
Registration No. 28,497  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371